

## **Title 18**

### **PARKS AND RECREATION**

#### **Chapters:**

- 01 Parks and Recreation Commission**
- 02 Department of Parks and Recreation**
- 03 Territorial Boxing Commission**

#### **Chapter 01**

### **PARKS AND RECREATION COMMISSION**

#### **Sections:**

- 18.0101 Park and recreation commission-Appointments-Removals.**
- 18.0102 Commission-Powers and duties.**

#### **18.0101 Park and recreation commission-Appointments-Removals.**

(a) There is established within the executive branch of the government the parks and recreation commission, which consists of 5 members appointed by the Governor for terms of 2 years, except that the fourth and fifth initial appointees shall serve for one year only in order to establish staggered terms.

(b) Officials of the government may be appointed to the commission.

(c) All appointees may be reappointed to the commission.

(d) All appointees may be removed from the commission by the Governor for cause; provided, that, the majority of the commission concurs in the cause offered.

**History:** 1980, PL 16-55 § 5.

#### **18.0102 Commission-Powers and duties.**

The commission has the following powers and duties:

(1) carry out those duties as may be set out in this title and other laws, and the rules, of the government which specifically delegate power or authority to the commission;

(2) elect, at its first meeting and thereafter annually at the first meeting in October, a chairman, who presides at all meetings, and other officers as it may consider desirable from among its members;

(3) develop policies and programs for the administration, management and operation of the parks system and recreational activities;

(4) review and make recommendations to the Governor and department on:

(I) comprehensive plans, applications and acceptances pertaining to federal assistance programs prior to their final approval and submission;

(II) the preliminary and final budgets of the department prior to submission to the Legislature;

(III) during the first month of each quarter, the operation and financial records of the department for the previous quarter; and

(IV) the department's annual report prior to submission to the Legislature; and

(5) perform other assignments as the Governor may make in the furtherance of the overall development of the parks system recreational programs.

**History:** 1980, PL 16-55 § 5.

## **Chapter 02**

### **DEPARTMENT OF PARKS AND RECREATION**

#### **Sections:**

- 18.0201 Definitions.**
- 18.0202 Department of parks and recreation.**
- 18.0203 Director-Powers and duties.**
- 18.0204 American Samoa parks system--Classification--Mapping.**
- 18.0205 Seashore reserve.**
- 18.0206 Parks fund--Revenues from concessions and uses—Donations.**
- 18.0207 Voluntary improvements.**
- 18.0208 Damage to--Driving or parking on property.**
- 18.0209 Recreational use of school facilities.**
- 18.0210 Transfer of offices and employees.**
- 18.0211 Federal assistance programs--Department's powers and duties.**
- 18.0212 Funds.**
- 18.0213 Maintenance of areas for outdoor recreation purposes.**
- 18.0214 Establishment of Ofu-Vaoto Marine Park.**

#### **18.0201 Definitions.**

As used in this title:

- (a) "Commission" means the parks and recreation commission.
- (b) "Department" means the Department of Parks and Recreation.
- (c) "Director" means the Director of Parks and Recreation and the head of the department.
- (d) "Government" means the government of American Samoa.
- (e) "Governor" shall mean the Governor of American Samoa or the person who exercises the power of Acting Governor.
- (f) "Legislature" means the Legislature of American Samoa.
- (g) "Parks system" means the American Samoa parks system.
- (h) "Person" includes the plural and includes the individuals, partnerships, corporations, matais of families, and other legal entities.
- (i) "Territory" means the Territory of American Samoa.

**History:** 1980, PL 16-55 § 2.

#### **18.0202 Department of Parks and Recreation.**

There is created within the executive branch of the government a Department of Parks and Recreation. The head of that department is a Director appointed by the Governor and confirmed by the Legislature in accordance with 4.0112.

**History:** 1980, PL 16-55 § 2.

#### **18.0203 Director—Powers and duties.**

The director has the following powers and duties:

- (1) manage, develop, control and maintain the park system;

(2) initiate, promote, equip and supervise recreational programs in areas within the park system;

(3) submit an annual report on the operations of the park system and recreational programs by the department for each fiscal year to the Governor and Legislature not later than 1 December;

(4) administer the department through organizational units which he may establish;

(5) prescribe the duties of assistants, deputies, attendants and other persons employed in the department;

(6) manage the budget of the department;

(7) attend, ex officio, all meetings of the commission; and

(8) establish rules in accordance with the Administrative Procedure Act, 4.1001 et seq, to accomplish the purposes of this act.

**History:**1980, PL 16-55 § 2.

#### **18.0204 American Samoa parks system-Classification-Mapping.**

(a) There is created the American Samoa parks system. The department shall inventory all properties belonging to the government and with the Governor's approval determine which properties are included in the park system. The department keeps a list of all areas in the park system according to classification, with correct and accurate descriptions, and provides the Legislature with a current copy of the list.

(b) The department classifies, and may subsequently reclassify, each area within the park system in one of the following categories:

(1) "natural preserves" which are to remain unimproved;

(2) "conservation preserves" which may be improved for the purpose of making them accessible to the public in a manner consistent with the preservation of their natural features;

(3) "territorial parks" or "community parks" which may be improved for the purpose of providing public recreational facilities in a manner consistent with the preservations and enhancement of the natural features;

(4) "territorial recreation facilities" or "community recreation facilities" which may be improved for the purpose of providing public recreation facilities; and

(5) "historical and prehistoric objects and sites" which are administered in accordance with federal guidelines as set by the Department of the Interior.

(c) The territorial surveyor provides the department with maps of record, and any new maps which may be needed, for all property within the park system not later than one year after each request by the department.

**History:**1980, PL 16-55 § 2.

#### **18.0205 Seashore reserve.**

All land including underwater land, and water areas of the Territory of American Samoa extending from the mean high water line seaward to 10 fathoms is included within the park system and be administered by the director in accordance with 18.0204.

**History:**1980, PL 16-55 § 2.

#### **18.0206 Parks fund—Revenues from concessions and uses—Donations.**

(a) There is established, separate and apart from any other fund of the government, a

parks fund for the development and improvement of the parks system. The fund is managed by the department. Financial statements on the fund for each fiscal year are included in the department's annual report to the Governor and Legislature.

(b) The department may grant permits and charge fees to individuals or groups to establish concessions on or otherwise use any part of the parks system. The fees from the permits shall be deposited in the parks fund. Any person or group granted a permit must be bonded in an amount necessary, in the department's judgment, to insure that damage to the system caused by that person or group, including littering, can be rectified.

(c) Money or the proceeds of any property donated, granted or bequeathed for the benefit of the parks system are deposited in the parks fund; provided, that, money or property donated, granted, or bequeathed for specific purposes is held in trust and may only be used for those purposes.

**History:** 1980, PL 16-55 § 2.

#### **18.0207 Voluntary improvements.**

The department may grant permits to any individuals or group to improve, without expense to the government, any part of the park system.

**History:** 1980, PL 16-55 § 2.

#### **18.0208 Damage to—Driving or parking on property.**

(a) A person may not injure or damage property within the parks system; or remove, destroy, or deface a tree, shrub, plant, or other attraction on or in that property. A violation of this subsection is punishable as a class B misdemeanor.

(b) A person may not drive a vehicle on a part of an area designated under 18.0204 as territorial parks or community parks, or territorial recreation facilities or community recreation facilities, or public beaches. A violation of this subsection is punishable as a class B misdemeanor.

(c) A person may not park a vehicle on a part of an area designated under 18.0204 as territorial parks or community parks, or territorial recreation facilities or community recreation facilities, or public beaches. A violation of this subsection is punishable as a class C misdemeanor.

**History:** 1980, PL 16-55 § 2; amd 1981, PL 17-14 § 1.

#### **18.0209 Recreational use of school facilities.**

The department may, with the consent and cooperation of the department of education, initiate, promote, and supervise recreational programs on properties and in facilities under the control of the department of education.

**History:** 1980 PL 16-55 § 2.

#### **18.0210 Transfer of offices and employees.**

The Governor is authorized to transfer to the department the employees of existing agencies or the Government, engaged in performing functions that come within the purposes of the department and the entire or any part of the budget related to those functions transferred.

**History:** 1980, PL 16-55 § 2.

**18.0211 Federal assistance programs-Department's powers and duties.**

(a) The department is authorized with respect to federal assistance programs, to prepare, maintain and keep up-to-date, a comprehensive plan for the development, use and conservation of outdoor recreation resources of the Territory, to develop, operate and maintain outdoor recreation areas and facilities of the Territory, and to oversee acquisition land, waters and interests in land and waters for such areas and facilities. The Legislature must be provided with a copy of the plan and any modifications that are from time to time made to it.

(b) With the approval of the Governor, the department may enter into contracts and agreements with the United States or any appropriate agency thereof, keep financial and other records relating thereto, and furnish to appropriate officials and agencies of the United States the reports and information as may be reasonably necessary to enable those officials and agencies to perform their duties under those programs.

(c) The department, with the approval of the Governor, may enter into and administer agreements with the United States or any appropriate agency thereof for planning, acquisition and development projects involving participating federal aid funds on behalf of the Territory.

(d) In connection with obtaining for the Territory the benefits of any such program, the department shall coordinate its activities with, and represent the interest of, all agencies of the territory having interests in the planning, development and maintenance of outdoor recreation resources and facilities within the Territory.

**History:** 1965, PL 9-6; amd 1980, PL 16-55 § 3.

**Amendment:** Changed "board" to "department" throughout; added "with respect to federal assistance programs" and "use and conservation"; changed "acquire" to "oversee acquisition"; and added last sentence to subsection (a).

**18.0212 Funds.**

Federal assistance projects may be undertaken by the department only after it has determined that sufficient funds are available to it for meeting the Territory's share of project costs.

**History:** 1965, PL 9-6; amd 1980, PL 16-55 § 4.

**Amendment:** Changed "board" to "department".

**18.0213 Maintenance of areas for outdoor recreation purposes.**

It is the legislative intent that, to the extent as may be necessary to assure the proper operation and maintenance of areas and facilities acquired or developed under any program participated in by this the Territory under authority of this title, these areas and facilities shall be publicly maintained for outdoor recreation purposes.

**History:** 1965, PL9-6; amd 1980, PL 16-55 § 4.

**Amendment:** Changed "chapter" to "title" and "pursuant to" to "under".

**18.0214 Establishment of Ofu-Vaoto Marine Park.**

(a) This act creates the Ofu Vaoto Marine Park on the island of Ofu, American Samoa. The boundaries of the park shall extend approximately one half mile from

Fatuana point to the west end of the Ofu airport runway and from the mean high water line seaward to the ten fathom depth.

(b) The purpose of the Ofu Vaoto marine park is to protect its unique coral reef wildlife habitat while enabling the public to enjoy the natural beauty of the site.

(c) The Ofu Vaoto Marine Park is classified as a territorial natural preserve which shall remain unimproved.

(d) The Ofu Vaoto Marine Park is within the American Samoa parks system, except that it may not be removed from the system or reclassified by the Governor or Director of the Department of Parks and Recreation.

(e) No fishing or shellfish harvesting shall be permitted in the Ofu Vaoto Marine Park except that residents of Ofu Island shall be permitted to fish and harvest shellfish as permitted by fisheries laws and regulations.

**History:** 1994, PL 23-13.

## **Chapter 03**

### **TERRITORIAL BOXING COMMISSION**

#### **Sections:**

- 18.0301 Definitions.**
- 18.0302 Territorial boxing commission-Membership.**
- 18.0303 Territorial boxing commission-Meetings.**
- 18.0304 Territorial boxing commission-Powers.**
- 18.0305 License-Required.**
- 18.0306 License-Refusal, revocation, suspension, modification, or limitation.**
- 18.0307 Procedures.**
- 18.0308 Violation-Penalty.**

#### **18.0301 Definitions.**

When used in this chapter:

- (a) "Commission" means the territorial boxing commission.
- (b) "Person" includes any person, firm, copartnership, corporation, association or other organization, or any combination thereof.

**History:** 1971, PL 12-13 § 2.

#### **18.0302 Territorial boxing commission-Membership.**

(a) There is created the territorial boxing commission of American Samoa, consisting of a chairman and 6 members to be appointed by the Governor of American Samoa for a term of 3 years.

(b) At least 5 members of the commission shall be necessary to constitute a quorum for the transaction of business, and the majority vote of those present shall decide and issue.

**History:** 1971, PL 12-13 § 3.

#### **18.0303 Territorial boxing commission-Meetings.**

The commission shall meet at least 4 times each calendar year for the purpose of

transacting business. Said meetings shall be held during the months of January, April, July, and October. Special meetings of the commission may be called at other times by the chairman at his discretion or upon written request of any 4 members of the commission. The chairman of the commission shall give each member of the commission 5 days' written notice in advance of the time and place of all meetings.

**History:** 1971, PL 12-13 § 4.

#### **18.0304 Territorial boxing commission-Powers.**

The commission shall have power, subject to the provisions of this chapter:

(1) to cooperate with organizations and individuals engaged in the promotion and control of boxing;

(2) to supervise and regulate all boxing;

(3) to supervise and regulate boxing contests and training exhibitions in connection therewith for prizes or purses or where an admission is charged or received;

(4) to promulgate such rules and regulations as may be necessary to carry out the purposes of this chapter;

(5) to issue or renew, or refuse to issue or renew, and to limit, modify or suspend and revoke any license provided for in this chapter;

(6) to hold hearings, compel the testimony of witnesses, order the production of documents and other tangible evidence and administer oaths and cite for contempt.

**History:** 1971, PL 12-13 § 5.

#### **18.0305 License-Required.**

No person may promote, manage, conduct, hold, give, or participate in any boxing exhibition, match, or contest without a license from the commission. All licenses issued pursuant to this chapter shall bear the date of issue, shall expire on 31 December next following the date of issue, and may be renewed annually.

**History:** 1971, PL 12-13 § 6.

#### **18.0306 License-Refusal, revocation, suspension, modification, or limitation.**

A license provided for in this chapter may be refused, revoked, suspended, modified, or limited for any one or combination of the following grounds:

(1) the conviction of a crime in connection with participation in, or promotion or management of, boxing exhibitions, matches or contests; a record of conviction or certified copy thereof by the clerk of the court or judge in which the conviction is obtained shall be conclusive evidence of the conviction;

(2) willful and deliberate violation of applicable laws, or rules and regulations of the commission, concerning supervision and control of boxing;

(3) fraud or misrepresentation in obtaining a license under this chapter;

(4) aiding and abetting the participation in or the promotion of boxing exhibition matches or contests by any person not authorized to conduct said exhibition match or contest under the provisions of this chapter.

**History:** 1971, PL 12-13 § 7.

#### **18.0307 Procedures.**

All procedures of the commission, and judicial review of said procedure, shall be conducted pursuant to the Administrative Procedure Act, 4.1001 et seq.

**History:** 1971, PL 12-13 § 8.

**18.0308            Violation-Penalty.**

Any person convicted of any violation of this chapter or any rule promulgated under this chapter is guilty of a class B misdemeanor.

**History:** 1971, PL 12-13 § 9; amd 1980, PL 16-90 § 93.

**Amendments:**    1980 Amended to conform with penalties provided for in Title 46, Criminal Justice.